

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

U.S. DISTRICT COURT
SAVANNAH DIV.

2017 MAR 21 AM 8:25

EDDIE KODELL GOODWIN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NOS. CV413-263
CR411-348

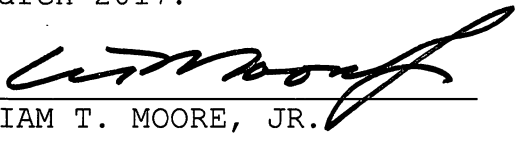
O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 5), to which objections have been filed (Doc. 7; Doc. 8). After a careful de novo review of the record, the Court concludes that Petitioner's objections are without merit. Accordingly, the Report and Recommendation is **ADOPTED** as the Court's opinion in this case. As a result, Petitioner's 28 U.S.C. § 2255 Petition is **DENIED**. In addition, Petitioner is not entitled to a Certificate of Appealability, rendering moot any request for in forma pauperis status on appeal. The Clerk of Court is **DIRECTED** to close this case.

In his objections, Petitioner continues to insist that his counsel was ineffective for failing to inform him that the Government offered to allow him to plead guilty. (Doc. 7 at 2-4; Doc. 8 at 3-4.) In support of this argument, Petitioner points to a purported plea offer by the Government. (Doc. 8, Ex. 1.) However, that document states that in exchange for Defendant's

"entry of a plea of guilty to the offense charged in the Indictment," the Government would "not object to a recommendation from the probation officer that the defendant receive a reduction for acceptance of responsibility." (Id. ¶ 1, 1.a.) In short, the plea offer required Defendant to plead guilty to the single charge Defendant faced at trial with the only benefit being the Government agreeing not to argue at sentencing for the denial of acceptance of responsibility. The plea offer did not even require the Government to affirmatively recommend at sentencing that Defendant receive a reduction for acceptance of responsibility. Therefore, save for the marginal benefit of not having the Government object to Defendant receiving the three-level reduction for acceptance of responsibility, the purported plea offer presents exactly the same set of circumstances Defendant would have faced if he plead guilty to the Indictment in the absence of any plea agreement. In light of these circumstances, the Court agrees with the Magistrate Judge's Report and Recommendation that "there is no reasonable probability that [Defendant] would have accepted the plea agreement." (Doc. 5 at 6.)

SO ORDERED this 20th day of March 2017.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA